

Advancing the EIA system in the Philippines

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THE PRESENT SYSTEM

The Philippine Environmental Impact Assessment (EIA) System was formally established in 1978 with the enactment of Presidential Decree no. 1586. The institutionalizing of its implementing rules and regulations was completed four years later. A number of laws have been passed through the years aimed at strengthening, expanding and refining the existing systems and procedures. The Department of Environment and Natural Resources was given the task of administering the EIA system through the Environmental Management Bureau and its regional offices. Projects with potentially significant environmental impacts were categorized either as environmentally critical or located in environmentally critical areas. Projects under the first category had to undergo full-scale EIA studies while those in the latter category were submitted to Initial Environmental Examinations. Government entities were given mandates to establish their own environmental units, integrate environmental concerns in their planning and project cycles and assist in expediting the review process.

A detailed procedural manual issued in 1992 discussed the step-by-step procedure in the preparation and review of Environmental Impact Statements. The manual contained guidelines for (among other things):

- the form and content of the documentation requirements;
- the conduct of consultations to show proof of social acceptability;
- the composition of the external Review Committee;
- the allocations in an Environmental Guarantee Fund; and
- the creation of a multi-partite Monitoring Team.

The second edition of the manual provided a detailed discussion of the guidelines in the conduct of the following:

- scoping
- the procedural and substantive review
- Environmental Risk Assessment
- Environmental Management Plans
- public hearings and consultations.

See Topic 14

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A window for an accelerated processing of applications was opened to proponents who chose to contribute to an Environmental Review Fund that was set up to defray the cost of pooling a dedicated team of external experts to review and process the applications. The accelerated processing time should be no more than 120 days. An average contribution would be around half a million pesos (13,160 USD) per project. A breakdown of the cost of review is also provided in the manual.

In spite of its strengthened features, there is a mounting concern that the EIA system, even in combination with existing environmental legislation, is still not enough to combat the escalating deterioration of the environment. In response to this concern, the government is implementing a number of projects aimed at pilot-testing the integration of different strategies and frameworks in environmental management.

ISSUES AND CONCERNS

Intent and timing of the EIA process

The EIA system has been largely perceived as catering only to the needs of the industrial sector. The predominant practice is to subject to an EIA study specific projects in pre-determined locations rather than analyze the environmental impacts of a mix of projects and locations. In many cases, a major stumbling block to the EIA process is the lack of a deliberate move from all sectors to embark on the process right at the beginning of the project cycle. This dilemma is compounded by the seemingly lack of political will to ensure earlier assessment.

Institutional capacity of the implementing agency

Devolving the task to the regional offices to issue and monitor environmental clearances covering the whole range of projects is taking a long time to implement, due to the lack of both competent government personnel and readily available expertise and resources at the national and local levels. The law itself did not create permanent career positions for EIA professionals in the government service.

The regulations do not prescribe the methodologies to be used during the conduct of the study; neither do the reviewers verify it during in their review of the EIS. There still remains a large gap in the procedural guidelines of the review. The monitoring capability of government needs a lot of strengthening. There are no programmes in place, no equipment available, and there are not enough trained staff or accredited laboratories to analyze the samples.

Due to the absence of baseline environmental data, consultants generally have to gather baseline information for every EIA study they conduct, or collect secondary data generated by similar studies, which in many cases are

scanty and unreliable. More often than not, the period of sampling is shortened and does not capture the varying conditions attributable to the changing seasons and other natural or man-made phenomena. There is no central repository of environmental data that can be easily accessed by the consultants or stakeholders nor is there a database of the baseline information contained in the various EIA studies submitted.

There is also an apparent lack of coordination and an overlapping of functions between the government agencies making the process more circuitous, time-consuming and ineffective.

For the most part, public hearings and public consultations are haphazardly conducted and poorly presented due to time constraints and the lack of skills within government to handle social issues. Documents are not freely accessible to the public due to fear, uncertainty and a lack of experience in handling seemingly contentious matters.

RECOMMENDATIONS

The Government should strengthen the use of the EIA system as a planning and monitoring tool rather than a command and control instrument in order to optimize scarce resources and effectively implement the system. The government needs to rationalize its present structure in order to provide opportunities for growth and satisfaction to its personnel. Training and career opportunities should also be provided to keep experienced and competent staff from leaving the government service.

The methodologies used in the preparation of environmental assessment studies, the conduct of reviews and the monitoring of compliance should be apparent to the stakeholders. Systems should be put in place so as to raise confidence among the stakeholders involved in the decision-making process. It is of the utmost importance that transparency in the conduct of the study should be observed in order to maintain the impartiality of the entire process. The accreditation of the consultants and the reviewers should be strictly enforced in order to maintain the integrity and the professionalism of the process.

There should be a dedicated commitment from the government to strengthen the laws, rules and guidelines pertaining to the EIA system. There is a growing need to integrate the different environmental regulations into one coherent law so as to make the entire process more effective and consistent. Legislation should reflect the present aspirations of society and should not delay in addressing those needs. The public should be given the right to participate in, and be informed of, the decisions made in matters concerning the environment so as to increase their awareness and participation in a process that greatly determines their well-being and their entire future.

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Key words

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